

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS MUNFORD,

Petitioner,

-v-

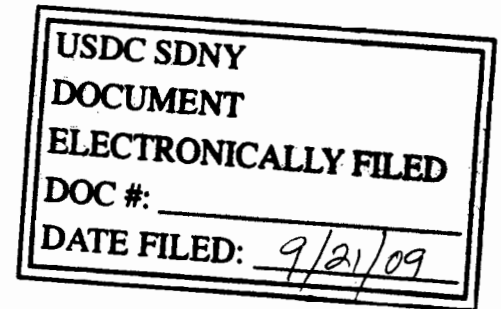
HAROLD GRAHAM, Superintendent,

Respondent .

DENISE COTE, District Judge:

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") became effective on April 26, 1996. Among other things, AEDPA amends 28 U.S.C. § 2244 to require that habeas petitions brought under 28 U.S.C. § 2254 be filed no later than one year after the completion of state court direct review. Curtis Munford's petition was received by Chambers on September 18, 2009. Mr. Munford was denied leave to appeal by the New York Court of Appeals on June 16, 2008, and his application for reconsideration of the certificate denying his application for leave to appeal was denied on August 4, 2008. Therefore, it appears that petitioner's judgment of conviction became final within the meaning of AEDPA on November 2, 2008.

The Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules governing



09 Civ. 7899 (DLC)

ORDER

Section 2254 cases in the United States District Courts, it is hereby

ORDERED that the respondent file an answer to the petition or other pleading in response thereto, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, no later than November 20, 2009.

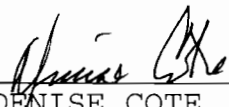
IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order and of the petition by certified mail upon the respondent and the Attorney General of the State of New York.

IT IS FURTHER ORDERED that petitioner shall have thirty days from the date on which he is served with respondent's answer to file a response. The petition will be considered fully submitted as of that date.

IT IS FURTHER ORDERED that this action is referred to Magistrate Judge Peck. All correspondence and requests should be sent to the attention of Judge Peck.

SO ORDERED:

Dated: New York, New York
September 21, 2009



DENISE COTE
United States District Judge

COPIES SENT TO:

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Magistrate Judge Peck